

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

August 10, 2016

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:00 pm.

Those in attendance were:

- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Greg Baker, Secretary, Dept. of Public Safety – Ex-Officio Member
- *Lee Farnsworth, NC Law Enforcement Officers' Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Chief Harold Medlock, Jr., NC Police Executives Association
- *Ricky Parks, Appointment by the General Assembly – Speaker of the House

Visitors

Stephanie Freeman, NC Administrative Office of the Courts, NCLETOA
Bill Hollingsed, NC Police Executives Association
Tony Losada, NC Justice Academy
Monica Shabo, NC Department of Public Safety – OSDT
David Wulff, Retired Major - Cary Police Department

Staff

Trevor Allen, NC Criminal Justice Standards Division
Steven G. Combs, Director, NC Criminal Justice Standards Division
Gary Dudley, NC Justice Academy
Stacy Holloman, NC Justice Academy
Darlene Jackson, NC Justice Academy
Mark Strickland, Director, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

Chairperson Robin Pendergraft welcomed members and guests. The meeting was called to order and the roll was called. A quorum was present.

Chairperson Pendergraft welcomed Dr. Ken Mullen, who will be replacing Dr. Bob Ruth on the Committee. Dr. Mullen has been a faculty member at Appalachian State University since 1992.

MINUTES

Commissioner Lee Farnsworth proposed a **motion** to accept the minutes of the May 10, 2016 meeting, with a **second** from Commissioner Harold Medlock, **motion carried**.

COMMISSION ACTION

ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen stated that the Division had been contacted by Major David Wulff (retired) from Cary Police Department regarding proposed rule revisions governing the Retired Law Enforcement Firearms program. Mr. Allen asked Mr. Wulff to address the Committee and present his concerns regarding the expiration dates of those certified under this program.

The request would require rule changes for the following rules:

- 12 NCAC 09H .0102 – Minimum Training Specifications
- 12 NCAC 09H .0105 – Filing and Fees (1)

Mr. Wulff explained that the expiration date for annual certification renewal currently coincides with the date the renewal application is processed at the Criminal Justice Standards Division. Therefore, if an individual qualifies with a weapon and submits a renewal application to the Division prior to the expiration date, the subsequent expiration date will be moved up, shortening the certification period. Mr. Wulff felt that changes need to be made to the program in order for the certification expiration date to be consistent from year to year.

After discussion by the Committee, Commissioner Steve Johnson proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, ***12 NCAC 09H .0102 – Minimum Training Specifications*** as follows:

- Remove the language citing .0105(1) in paragraph (a) and replace with “.0105(a)(1).”
- Remove the language citing .0106 in paragraph (b) and replace with “.0106 of this Chapter.”
- Add the following language to paragraph (c): “Individuals meeting the requirements pursuant to Paragraph (a) and (b) of the Rule, who have submitted an application to the Commission and have met the requirements of Rule .0105 of this Subchapter, shall be certified for a period of twelve months from the date the application is approved by the Commission. Upon application for renewal the certification may be renewed by the Commission for twelve month periods, provided the qualified retired law enforcement officer meets the requirements specified in this Subchapter.”
- Change lettering sequence and remove the language “every 12 months” from paragraph (d) and add the language “during each certification period.” Also remove the language “For the purpose of this Rule, handgun shall include semi-automatic pistols or revolvers” from paragraph (d).

With a **second** from Commissioner Lee Farnsworth, **motion carried**.

Commissioner Steve Johnson proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, **12 NCAC 09H .0105 – Filing and Fees (1)** as follows:

- Remove the language “An original Commission approved application form” from paragraph (1) and add the following language: “A Commission application form (Form F-9R).”
- Remove the language “application form” and “must also” from paragraph (1) and add the following language: “Form F-9R, available on the agency’s website at <http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, shall.”

With a **second** from Commissioner Lee Farnsworth, **motion carried.**

On behalf of the Criminal Justice Education and Training Standards Division Staff and Mr. Lorin Dingler, BLET School Director at Forsyth Technical Community College, Deputy Director Trevor Allen proposed a recommended rule change.

The request would require rule changes for the following rule:

- 12 NCAC 09B .0204 – Training Course Enrollment (a)

Mr. Allen explained that the current Rule states a school must have a minimum of ten (10) enrollees on the first day of the course. Due to the declining enrollment in the BLET Program, Mr. Dingler requested the Committee consider lowering the requirement for a minimum number of enrolled students.

Commissioner Lee Farnsworth proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, **12 NCAC 09B .0204 – Training Course Enrollment** as follows:

- Change lettering sequence and add the following language as paragraph (b): “Any school may make written request to the Director of the Standards Division to deliver the Basic Law Enforcement Training Course with 8 or 9 enrolled trainees. The written request shall include a summary of the efforts the school has made to notify its respective community of the availability of the course, and the reasons supporting the school’s need to enroll fewer than 10 trainees.”

With a **second** from Commissioner Ricky Parks, **motion carried.**

COMMITTEE ACTION

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Trevor Allen, Criminal Justice Standards Division staff, presented a recommendation of the accreditation and reaccreditation of the following institutions for a period of five (5) years in accordance with **12 NCAC 09B.0200 and 12 NCAC 09C.0401** for the delivery of the Commission regulated training:

- New Accreditation: Samarcand Training Academy (General Instructor)
- Re-Accreditation: Winston-Salem Police Department (SMI)

Commissioner Greg Baker proposed a **motion** to accept the recommendation as presented, with a **second** from Harold Medlock, **motion carried.**

INFORMATIONAL ITEMS

NC Department of Public Safety – OSDT

On behalf of the Office of Staff Development and Training, Marty McNeely, North Carolina Department of Public Safety, had planned to brief the Committee on recent policy changes governing Use of Force and Firearms Usage, which have impacted two lesson plans used in the delivery of Basic Probation/Parole Officer Training:

- CRDT Lesson Plan
- Legal Considerations for the PPO Lesson Plan

Due to the recent resignation of Marty McNeely, staff from the North Carolina Department of Public Safety requested that this item be postponed until the November meeting.

NC Justice Academy

On behalf of the NC Justice Academy, Director Mark Strickland provided the Committee with an update on the POPAT data (passing rates). The information consisted of the following:

Mr. Strickland reminded the Committee that the new POPAT became fully effective on July 1, 2015. During this time, there was a concern of disparate impact on female students. In the course of the initial testing and validation process, the POPAT pass rate for females was 75.6%. A test is considered to produce disparate impact when the pass rate for a protected class (in this case female) is less than 80% of the pass rate for the non-protected class (male).

The NC Justice Academy was asked to report back to the Education and Training Committee within one (1) year on the passing rate of this new program. Mr. Strickland presented a copy of the POPAT testing results for the previous year. According to the numbers, males were able to pass the POPAT 99.29% of the time and females were able to pass the POPAT 94.24% of the time.

Federal Law Enforcement Subcommittee

On behalf of the Federal Law Enforcement Subcommittee, Chair Steve Johnson briefed the Committee on the status of discussions involving the Lateral Transfer of Federal Law Enforcement Officers.

The committee that is evaluating the “Lateral Transfer of Federal Law Enforcement Officers” met on Wednesday, August 3, 2016. After reviewing training documentation from the FBI, Glynco, as well as reviewing the way other states were handling this issue, the committee came to the following conclusions:

Criminal Investigators who fall into a Federal job classification of “1811” will be given credit for most of the investigative blocks of instructions. This category includes the FBI,

DEA, Secret Service, U.S. Marshalls, etc. Since all of these entities utilize this same basic block of instructions in the investigative field, credit would be granted for these common core topics. The additional curriculum of the specific agency will then be evaluated to give more credit if warranted. Once a base line is established for the agency, the individual might be able to validate that they have had even more training for which they would be given credit.

Commissioner Johnson stated that at the August 3, 2016 meeting, the committee evaluated the FBI curriculum and determined that a retired agent would have to take 236 hours of NC BLET at a maximum. If they were able to show that they had attended other training programs, that number could in fact be reduced. As an example, an agent that had taken the ALERT Rapid Deployment Training would then get an additional 8 hours of credit from the 236 hours.

The next step will be to begin the rule change process, and Deputy Director Trevor Allen will develop language that can be used to change the current provisions of the Administrative Code.

Mr. Johnson said the last step will be to evaluate the Secret Service, DEA, and the U.S. Marshalls programs in order to establish the base line for those agencies, as the predominant number of inquiries are coming from these specific agencies. Additional requests from other federal agencies would result in the committee evaluating those curricula on an as-needed basis.

Commissioner Baker expressed his appreciation to Commissioner Steve Johnson for chairing the Federal Law Enforcement Committee and for his assistance with the important issues the committee addresses.

Commissioner Pendergraft informed the Education and Training Committee members that the Higher Education for Law Enforcement Subcommittee has met once. Another meeting has been scheduled, and everyone on the committee is very positive about working together and moving forward.

Mark Strickland introduced Amanda Stephenson to the Committee. Ms. Stephenson was hired in April 2016 at the NC Justice Academy and coordinates the Detention Officer Basic Course.

Mr. Strickland also announced the retirement of Darlene Jackson, effective October 1, 2016. He expressed appreciation for her contributions to the Committee and wished her well as she embarks on a new chapter in her life.

With no other business, the meeting adjourned at 2:00 pm.

